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NO. 7669 P. 1

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## FAX TRANSMISSION

DATE: August 23, 2005

PTO IDENTIFIER: Application Number 10/529502

Patent Number

Inventor: Gabi Müller et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney Dkt. #: 12810-00039-US

PAGES (Including Cover Sheet): 7

CONTENTS: Transmittal Of Translation Of International Preliminary Examination Report (1 page)  
Translation Of International Preliminary Examination Report (4 pages)  
Certificate of Transmission (1 page)

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Application No. (if known): 10/529502

Attorney Docket No.: 12810-00039-US

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Transmittal Of Translation Of International Preliminary Examination  
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Translation Of International Preliminary Examination Report

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NO. 7669 P. 3

Application No.: 10/529502

AUG 23 2005

Docket No.: 12810-00039-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Gabi Müller et al.

Application No.: 10/529502

Confirmation No.: @@@

Filed: March 28, 2005

Art Unit: N/A

For: USE OF POLYMERS BASED ON N-  
VINYLCAPROLACTAM

Examiner: Not Yet Assigned

TRANSMITTAL OF TRANSLATION OF INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith a translation of the International Preliminary Examination Report ("IPER") issued in the corresponding international application. The reference cited in the IPER was cited in an Information Disclosure Statement filed by Applicant. The International Bureau of WIPO has deemed that claims 1-5 have industrial applicability.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00039-US from which the undersigned is authorized to draw.

Respectfully submitted,

By   
Ashley I. Pezzner

Registration No.: 35,646  
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## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rule 72.2)

From the INTERNATIONAL BUREAU *US-Consully*

To:

Patente *Pat. u. Lizenzen*

03. Aug. 2005

BASF AKTIENGESELLSCHAFT  
67056 Ludwigshafen  
ALLEMAGNE

*EL: Phase Scendek**AST/30*

Date of mailing (day/month/year)  
28 July 2005 (28.07.2005)

Applicant's or agent's file reference  
0000053949

International application No.  
PCT/EP2003/010373

## IMPORTANT NOTIFICATION

International filing date (day/month/year)  
18 September 2003 (18.09.2003)

Applicant

BASF AKTIENGESELLSCHAFT et al

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombelles  
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

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Facsimile No. +41 22 338 70 80



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053949	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/010373	International filing date (day/month/year) 18 September 2003 (18.09.2003)	Priority date (day/month/year) 27 September 2002 (27.09.2002)
International Patent Classification (IPC) or national classification and IPC A61K 7/11, 7/48		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23 April 2004 (23.04.2004)	Date of completion of this report 11 January 2005 (11.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010373

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-58 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-5 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

 International application No.  
 PCT/EP 03/10373

 V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
 citations and explanations supporting such statement

1. Statement			
Novelty (N)	Claims		YES
	Claims	1-5	NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following document:

D2: US-B-6 191 188 (BASF), 20 February 2001 (2001-02-20)

Document D2 discloses aqueous polymers of vinylcaprolactam (VC), vinylpyrrolidone (VP) and vinylimidazol (VI). The description (column 2, lines 1 to 16) gives the weight ratio of vinylimidazol to vinylpyrrolidone as 5% VI (lower limit of VI) and 60% VP (upper limit of VP). Thus the smallest ratio of VI:VP is 5:60 or 1:12. Claims 9 and 10 disclose a process using this polymer to improve hair setting.

The subject matter of claims 1 to 5 of the present application appears to lack novelty in the light of D2 (PCT Article 33(2)).